

AMENDED IN SENATE AUGUST 14, 2012

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN ASSEMBLY MAY 21, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2559**

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**Introduced by Assembly Member Buchanan**

February 24, 2012

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An act to add Section 65963.2 to the Government Code, relating to local government.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2559, as amended, Buchanan. Local government: pipeline projects: approval.

*Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including gas corporations, as defined. The Natural Gas Pipeline Safety Act of 2011 designates the commission as the state authority responsible for regulating and enforcing intrastate gas pipeline transportation and pipeline facilities pursuant to federal law.*

Existing law, the Permit Streamlining Act, governs the approval process that a city, county, or city and county ~~must~~ *is required to* follow when approving, among other things, a project that is located within a flood hazard zone, a permit for a hazardous waste facility project, and

a permit for construction or reconstruction for a development project for a wireless telecommunications facility.

This bill would require a city, county, or city and county to act on an application by a gas corporation that is a public utility for a ministerial pipeline project permit within a public street or highway or any other public right-of-way within 10 business days of determining that an application for the pipeline project, *as defined*, is complete, except as specified, thereby imposing a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65963.2 is added to the Government  
2 Code, to read:  
3 65963.2. (a) For purposes of this section, the following terms  
4 have the following meanings:  
5 (1) "Commission" means the Public Utilities Commission.  
6 (2) "Pipeline integrity management-~~plan~~" *program*" means a  
7 ~~plan-adopted~~ *program verified by the commission to be in*  
8 *compliance with state or federal regulations* that includes an  
9 activity undertaken by a gas corporation that is a public utility to  
10 enhance the safety of a natural gas pipeline *as required by the*  
11 *commission, or the federal Pipeline and Hazardous Materials*  
12 *Safety Administration in Subpart O of Part 192 of Title 49 of the*  
13 *Code of Federal Regulations and 74 Federal Register 63906*  
14 *(December 4, 2009).*

1 (3) “Pipeline project” means a pipeline inspection, remediation,  
2 removal, or replacement, including any valve, flange, meter, or  
3 other piece of equipment directly attached to the pipeline, in  
4 accordance with a pipeline integrity management ~~plan~~ *program*.

5 (b) A city, county, or city and county shall act on an application  
6 by a gas corporation that is a public utility for a ministerial pipeline  
7 project permit within a public street or highway or any other public  
8 right-of-way within 10 business days of determining that an  
9 application for the pipeline project is complete.

10 (c) If the city, county, or city and county cannot act on the  
11 application within 10 business days of determining that an  
12 application for the pipeline project is complete pursuant to  
13 subdivision (b), the city, county, or city and county shall provide  
14 the gas corporation with a written timeline indicating the time,  
15 which shall occur as soon as possible, by which the city, county,  
16 or city and county will act on the application.

17 ~~SEC. 2. If the Commission on State Mandates determines that~~  
18 ~~this act contains costs mandated by the state, reimbursement to~~  
19 ~~local agencies and school districts for those costs shall be made~~  
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
21 ~~4 of Title 2 of the Government Code.~~

22 *SEC. 2. No reimbursement is required by this act pursuant to*  
23 *Section 6 of Article XIII B of the California Constitution because*  
24 *a local agency or school district has the authority to levy service*  
25 *charges, fees, or assessments sufficient to pay for the program or*  
26 *level of service mandated by this act, within the meaning of Section*  
27 *17556 of the Government Code.*